

**United States Bankruptcy Court  
District of New Jersey  
Mitchell H. Cohen U.S. Courthouse  
P.O. Box 2067  
Camden, New Jersey 08101**

**JUDITH H. WIZMUR**  
Chief, U.S. Bankruptcy Judge

(856) 757-5126

July 28, 2010

Kathleen S. Allen  
Citicorp North America, Inc.  
3800 Citigroup Center Drive  
G3-13  
Tampa, Florida 33610

Re: In re Various Motions to Recover Unclaimed Funds  
See Exhibit A for list of cases  
**LETTER OPINION**

Dear Ms. Allen:

I am in receipt of your letter, dated November 30, 2009 and filed with the court on December 2, 2009, enclosing motions to be filed in ninety-nine (99) separate cases, each seeking to withdraw funds from the bankruptcy court registry on behalf of various Citigroup/Citicorp subsidiaries. Attached as Exhibit A to this letter opinion is a list of the affected cases. Because this request has not been filed by a New Jersey attorney representing the Citigroup/Citicorp subsidiaries, I must deny your request.

Under New Jersey law, a corporation is prohibited from practicing law and is not permitted to appear before a court to pursue its own motion. See Elizabeth Teachers Union, AFT Local 733 v. Elizabeth Bd. of Educ., Civ. A. No. 90-3343, 1990 WL 174654, \*5 (D.N.J. Nov. 8, 1990) ("Corporations may not practice law in New Jersey."). A corporation can only appear before the court on a motion where it is represented by appropriately licensed legal counsel. Id.

The requirement of legal counsel to represent a corporation in court is not altered by Fed.R.Bank.P. 9010(a), which provides:

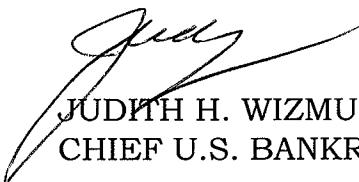
(a) Authority to act personally or by attorney.

A debtor, creditor, equity security holder, indenture trustee, committee or other party may (1) appear in a case under the Code and act either in the entity's own behalf or by an attorney authorized to practice in the court, and (2) perform any act not constituting the practice of law, by an authorized agent, attorney in fact, or proxy.

The Advisory Committee Notes confirm that Rule 9010 does not “change prior holdings prohibiting a corporation from appearing pro se.” Adv. Comm. Note (1983). See In re Dunklin, No. 04-41631, 2006 WL 2806234 (Bankr. D.N.J. Sept. 27, 2006) (Rule 9010 draws a distinction between administrative and legal functions). However, you must also be a licensed attorney in order to represent the corporation in federal court. See, e.g., Van De Berg v. C.I.R., 175 Fed. Appx. 539, 541 (3d Cir. 2006) (a pro se party may not represent a corporation in federal court); Hernandez v. Cullison, No. 05-3038, 2006 WL 1804579, \*6 (D.N.J. June 26, 2006) (“The rules governing the practice of law in United States courts make clear that non-lawyers are not permitted to represent parties in federal court.”). The general consensus is that “a non-lawyer’s attempt to represent a corporation in federal court constitutes the unauthorized practice of law.” Unalachtigo Band of Nanticoke-Lenni Lenape Nation v. New Jersey, No. 05-5710, 2007 WL 4547501, \*3 (D.N.J. Dec. 17, 2007).

For this reason, an order denying each of your motions to withdraw funds from the court registry in the cases identified in Exhibit A to this letter will be entered without prejudice.

Very truly yours,



JUDITH H. WIZMUR  
CHIEF U.S. BANKRUPTCY JUDGE

JHW:tob

## Exhibit A

| <u>Case #</u> | <u>Debtor</u>                        |
|---------------|--------------------------------------|
| 95-20754      | Philip Joyce                         |
| 96-28932      | Frederick G. & Bonnie I. Stoll       |
| 96-39897      | Todd C. & Kimberly R. Denson         |
| 96-41533      | Susan Sedlak                         |
| 97-15852      | Karen Thomas                         |
| 97-29809      | Consuella Taylor                     |
| 97-31971      | Lawrence J. & Linda S. Traver        |
| 97-39393      | Suzanne V. Mullen                    |
| 97-39886      | Kenneth & Elizabeth Reed             |
| 97-51154      | Kenneth T. & Antoinette Lewis        |
| 98-23669      | Spinello Construction Co.            |
| 98-24333      | Anthony J. Giovatto                  |
| 98-31592      | Laraine E. Dunn                      |
| 98-35899      | Johart C. & Yvette S. Romulus        |
| 98-36741      | Meredith G. Schwoebel                |
| 98-37938      | John A. & Pauline Wade               |
| 98-38211      | Peter F. & Diane S. Rickett          |
| 98-33057      | Thomasena Boozer Burnette            |
| 98-31656      | Anthony & Clarinda Thorne            |
| 98-39043      | Jeffrey Allen Goldstein              |
| 98-39876      | Patricia Wolbert                     |
| 98-41750      | Frank N. Mazzarisi                   |
| 98-41883      | Murad F. Washah                      |
| 98-52925      | Beverly Harding                      |
| 98-53712      | Marjorie Kelly Dunn                  |
| 98-54971      | Joseph & Gail Spalletta              |
| 98-61772      | Brad A. & Beth D. Tornberg           |
| 99-11777      | George William & Geraldine D. Donley |
| 99-19143      | Gordon G. & Joan F. Koons            |
| 99-32343      | Darryl & Karen E. Suber              |
| 99-35469      | Julio A. Pacheco                     |
| 99-36691      | Steven C. Krauer                     |
| 99-43987      | Linda G. Gardin                      |
| 99-54228      | Maria Alicia Hall                    |
| 99-54363      | Joseph L. & Dorothy A. Montanaro     |
| 99-54569      | Edward Pagodin                       |

| <u>Case #</u> | <u>Debtor</u>                         |
|---------------|---------------------------------------|
| 99-54814      | Robert L. Jones                       |
| 99-62922      | Kwame & Elizabeth Ofori Atta          |
| 00-19393      | Juanita G. Moss                       |
| 00-34695      | Neal L. & Norada Nerahoo              |
| 00-35070      | Felicitas B. Cu                       |
| 00-38951      | John T. & Beverly A. Griffith         |
| 00-53661      | Adelina D. Noveno                     |
| 00-55762      | David Leroy Tyson                     |
| 00-56271      | Eric R. Charf                         |
| 00-60704      | Joyce L. Changary                     |
| 00-61657      | Orest R. Schykerynec                  |
| 00-62241      | Patient Preference Medical Grp., P.A. |
| 01-30065      | Luis Cabrera                          |
| 01-43235      | Pedro & Laiza Hernandez               |
| 01-50783      | Samuel F. & Nancy L. Jones            |
| 01-52089      | Walter H. & Michele Cramer            |
| 01-63328      | Rozita Forrester                      |
| 02-14940      | Heather A. Studstill                  |
| 02-37305      | Rulijo M. Guevarra                    |
| 02-37664      | Marilyn Caraballo                     |
| 02-40127      | Brian & Caren Pozniak                 |
| 02-42130      | Elizabeth Guzman                      |
| 02-44399      | Laura A. English                      |
| 02-54888      | Gregory J. & Doris E. Baranyay        |
| 02-57202      | John F. & Deborah A. Wolfe            |
| 03-10024      | Philip J. & Kim Thompkins             |
| 03-12173      | Patricia L. Williams                  |
| 03-15008      | Gail G. Sellers                       |
| 03-16689      | Maria Kirchner                        |
| 03-19739      | Richard & Kim Bowers                  |
| 03-25976      | Edward & Deborah Funston              |
| 03-27824      | James & Martha Hanhart                |
| 03-29336      | Vernon A. & Dora A. Underwood         |
| 03-31012      | David Sainato                         |
| 03-31533      | Mariam Muhana                         |
| 03-35790      | Edna S. McKinney                      |
| 03-36673      | Mary Ann Haley                        |
| 03-41642      | Jose Granda                           |
| 03-42342      | Octavio Camejo                        |

| <u>Case #</u> | <u>Debtor</u>                 |
|---------------|-------------------------------|
| 03-43492      | Lemuel D. Pierce              |
| 03-44299      | Daniel & Dorothy Gilmore      |
| 03-44432      | Debra L. & Brian Belles       |
| 03-46206      | Anthony T. Sinker             |
| 04-11024      | Robert Walsh                  |
| 04-14772      | Kenneth T. Stromsland         |
| 04-22506      | Arlene C. Emralino            |
| 04-26464      | Barbara Jean Chambers         |
| 04-39150      | Jerry & Jannette Brunson      |
| 04-39681      | Donald Walker                 |
| 04-42101      | Maurice & Shantell Hamilton   |
| 04-47864      | Brian C. Lamb                 |
| 04-49166      | Bruce L. & AnneMarie Lorenzen |
| 04-49222      | James & Heather Eble          |
| 05-12871      | Brenda McDaniel               |
| 05-18086      | Les & Myong C. Bogert         |
| 05-22306      | Richard E. Jabbour            |
| 05-26917      | Stanley & Janet Renee Blanton |
| 05-32614      | Angela Joseph                 |
| 05-46349      | John & Donna Bendewald        |
| 05-52523      | Roger C. Johnson              |
| 06-14952      | Mark & Donna LaForteza        |
| 06-15448      | Adam & Traci Cantin           |
| 06-21301      | Kim Westergard                |